



August 31, 2017

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NOTICE OF EX PARTE
PS Docket No. 15-91: *Improving Wireless Emergency Alerts and Community-Initiated Alerting*

Dear Ms. Dortch:

On August 29, 2017, Courtney Neville and I of Competitive Carriers Association (“CCA”)¹, met with staff of the Federal Communications Commission’s (“FCC” or “Commission”) Public Safety and Homeland Security Bureau (“Bureau”), listed below, to discuss the above-referenced proceeding.² Additionally, on August 30 and August 31, 2017, CCA, and John Nakahata and Kristine Devine (via teleconference) of Harris, Wiltshire & Grannis, counsel for CCA, met with staff from the office of Chairman Ajit Pai, office of Commissioner Mignon Clyburn, office of Commissioner Michael O’Rielly, office of Commissioner Brendan Carr, and office of Commissioner Jessica Rosenworcel, to discuss the same. A full list of meeting participants is included below.

CCA commended the Commission for its efforts to ensure consumers are connected in times of an emergency and reiterated that CCA’s participating members strongly desire to continue providing consumers with wireless emergency alerts to the extent feasible.³ To that end, CCA discussed its recent Petition for Waiver (“WEA Petition”)⁴ which requests that the FCC extend its

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the nation. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *Improving Wireless Emergency Alerts and Community-Initiated Alerting*, Report and Order and Further Notice of Proposed Rulemaking, PS Docket No. 15-91, et al., FCC 16-127 (rel. Sept. 29, 2016) (“WEA Report and Order” or “FNPRM”).

³ FNPRM ¶ 184.

⁴ See Petition of Competitive Carriers Association for Waiver, or in the Alternative, Extension of Time, PS Docket No. 15-91 (filed Aug. 16, 2017) (“CCA WEA Petition”).

compliance timeframe for embedded references⁵ and geo-targeting⁶ to align with other requirements adopted in the WEA Report and Order to May 1, 2019,⁷ to foster the most innovative services for consumers in a reasonable timeframe. These reforms will help communities to better communicate during imminent threats and local crises, and CCA members continue to work diligently to ensure enhanced emergency alerting capabilities are reliably deployed.

Further, CCA reiterated that technical capabilities necessary to implement embedded references could result in increased network congestion and undermine network performance during times of emergency.⁸ This will overtax vital control channels normally used to place and receive voice calls and text messages when an alert is deployed. CCA also noted that many rural and regional carriers are still transitioning from 2G and 3G networks to newer technologies. The FCC should therefore grant CCA's WEA Petition to provide the requisite time necessary to complete these network upgrades, and prevent diverting funds to support additional content on legacy networks.

CCA also reminded the Commission that the applicable standards for new WEA requirements are still under development through ATIS's Wireless Technologies and Systems Committee ("WTSC"). These standards include but are not limited to WTSC Issue 0076, a feasibility study on WEA device-assisted geo-targeting, and the record further demonstrates that compliance with certain requirements cannot be achieved until these standards are completed and publicly available to all stakeholders.⁹ These concerns are magnified for non-nationwide carriers with fewer resources and a limited ability to influence standards development and equipment design.¹⁰ The Commission should therefore grant CCA's WEA Petition to let the technology lead

⁵ See 47 CFR §§ 10.440, 10.441. CCA notes its support of the Commission's efforts to seek additional comment on multimedia alerts in the Further Notice of Proposed Rulemaking. See FNPRM ¶ 126.

⁶ 47 CFR § 10.450.

⁷ In the alternative, CCA's WEA Petition encouraged the FCC to extend these deadlines by a 12-month period, to November 1, 2018. As a third alternative, the FCC could extend compliance timelines for embedded references and enhanced geo-location capabilities to within 12-months of when ATIS standards are developed and publicly available to all stakeholders. See CCA WEA Petition at 2, note 6.

⁸ See *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 (filed July 18, 2016) ("CCA WEA EP") (citing Comments of T-Mobile USA, Inc., PS Docket No. 15-91 at 6-7 (filed Jan. 13, 2016); Reply Comments of Sprint Corporation, PS Docket No. 15-91 at 4-5 (filed Feb. 12, 2016); *Ex Parte* Letter from Benjamin M. Moncrief, VP, Government Relations, C Spire, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 at 1 (filed June 24, 2016)).

⁹ CCA understands that ATIS's Wireless Technologies and Systems Committee ("WTSC") is currently developing WEA standards, including: WTSC Issue 0073, FCC Mandated URLs in WEA Messages; WTSC Issue 0074, FCC Mandated WEA Message Length Increase; WTSC Issue 0075, Additional FCC Mandated WEA Enhancements; WTSC Issue 0076, Feasibility Study on WEA Device-Assisted Geo-targeting; WTSC Issue 0077, Feasibility Study for WEA via a Well-Managed Application; WTSC Issue 0063, WEA End-to-End Security Best Practices; WTSC Issue 0072, New WEA Event Codes. A timeframe by which these standards are to be developed is not publicly available. See CCA WEA Petition at 3. See also, CTIA Petition for Reconsideration, PS Docket No. 15-91 at 3 (filed Dec. 1, 2016) ("CTIA Petition").

¹⁰ See CCA WEA Petition at 8-10. See also, e.g., Reply Comments of Competitive Carriers Association, CG Docket No. 16-145 at 2 (filed July 25, 2016) (citing Comments of Competitive Carriers Association, CG

the policy, and provide participating carriers an appropriate amount of time to incorporate the requisite standards necessary to support enhanced emergency alerting capabilities.

Finally, CCA noted its concern with Section 10.260 of the FCC's rules, which requires a provider to offer "clear and conspicuous notice" to new subscribers and existing customers of its non-election or partial election to offer alert messages by September 1, 2017.¹¹ As noted earlier, CCA's members do not wish to opt-out of the WEA program, and certainly do not want to do so on the brink of hurricane season, which will be quickly followed by inclement weather like blizzards and tornadoes for the remainder of the year. In preparation, CCA's members remain committed to the FCC's emergency preparedness agenda. To avoid hampering these efforts, CCA encouraged the Bureau to waive Section 10.260 and provide carriers additional time to determine how to best satisfy the FCC's requirements.¹²

Docket No. 16-145 at 4 (filed July 11, 2016) (noting that AT&T and Verizon both command important aspects of network development in many contexts, including equipment design and manufacture); Revised Petition of Competitive Carriers Association for a Waiver at 7-9, GN Docket No. 15-178 (filed Apr. 8, 2016).

¹¹ 47 CFR §§ 10.240-10.260. The November 1, 2017 deadline associated with embedded references and enhanced geo-targeting capabilities is used to calculate the 60-day timeframe by which providers left with no choice but to opt-out of the WEA program must notify their consumers, resulting in a September 1, 2017 deadline for consumer notifications.

¹² See Petition of Competitive Carriers Association for Waiver, PS Docket No. 15-91 (filed Aug. 31, 2017).

CCA and its members look forward to continued work with the Commission on enhanced emergency alerting for the benefit of consumers and industry alike. This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's rules. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email):

Office of Chairman Pai

Zenji Nakazawa

Office of Commissioner Clyburn

Daudeline Meme (via teleconference)

Office of Commissioner O'Rielly

Erin McGrath

Office of Commissioner Carr

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